App. F. IX-4

PRESERVED

Previous References

1936
(do)

File No. 170-36

do 81-36 (1-21)

Serial Nos. 1-2

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. —

Part B for March 1937

SUBJECT.

Abolition of civil Rule of practice no 10 relating to cause lists in civil courts and certain [illegible] in the matter

Govt P 5-570 8/18-3-37

Deputy Registrar, High Court

WD 0418—GPB—22,500—23-8-36

Sanctioned

M Spencer
22/3/37

Serial No.

From
The Registrar High Court
Rec No 1055/36-37 dt 1.3.37

Registrar Sanction to the abolition of Civil Rule of practice No 10 relating to cause lists in the Civil Courts and to make certain rules in the matter.

draft of

may be sanctioned

8 Chief Secy)

(2nd member)

by 8-3

MS 9/3

by 9-3

MS 10/3

erred by 12

2 To
The Registrar High Court
Sir, I am directed to convey Sanction to the abolition of Civil Rule of practice No 10.

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

5/12

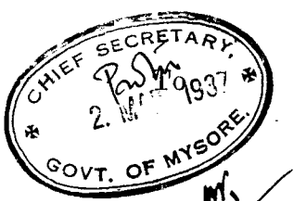
R. O. C. ~~D. Dis.~~ No. 1055 36-37 Ex. Cus

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 1st March *1937*

No 170-36-1

FROM T. Shama Iyengar, Esq.,
~~A. Sundararaja Rao,- Esq.~~, B.A., B.L.,
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.



B. T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
BANGALORE.

SIR,

I am directed to refer to G.O.No.P.1488/Cts.81-26-4, dated 14th September 1927, recording correspondence regarding the cause-lists of Civil Courts. By Civil Rule of Practice No.10, dated 3rd September 1878 (printed as paragraphs 327 - 331, Civil Rules of Practice and Circular Orders, Volume I, 1936) the preparation of elaborate weekly cause-lists is prescribed. In my predecessor's letter R.O.C.No.1072/25-26, dated 6th September 1926, it was proposed that these weekly cause-lists should be abolished and that parties and their pleaders might be allowed to get information regarding postings and adjournments, if required, from the Diary of the Court. In reply to that letter the Government inquired what was the practice in the matter in Provinces of British India. After that information had been collected, the Judges of the High Court expressed the opinion that the rule regarding weekly cause-lists might be allowed to stand, and the Government then recorded the correspondence.

2. The Judges have now reconsidered the question. The preparation of a cause-list each week of cases to be heard in a Court in the following week, if done according to the present rule, entails a very considerable amount of labour and in the opinion of the Judges unnecessary and largely useless labour. The information to be given in the lists is not required in the form of a weekly list either by the parties concerned or their pleaders. Notices and summonses give the dates of first hearings. After the first hearing, unless proceedings are ex parte, the parties and counsel concerned know the date of any

adjournment. To put on the notice-board of the Court in the form of a weekly list information which the parties or their pleaders already have is of no use to anyone. If through inattention or forgetfulness a party or his pleader does not know to what date his case has been adjourned, an inquiry in the Office of the Court will always elicit the information. The cause-lists now prescribed also contain columns at the end in which the result or adjournment order is to be entered for each case. It is very inconvenient for a clerk to make such entries on elaborate lists attached to a notice-board, and such entries are quite unnecessary. If a party does not allow proceedings to go ex parte against him, he or his pleader must have the information which according to the rule should be entered in those columns. It is not surprising to find, as the Judges found in 1926, that the laborious work of preparing these weekly cause-lists according to the rule is generally neglected.

3. In the inquiries made of other High Courts in 1927 it was ascertained that weekly cause-lists were not in use in Bengal, Bombay or the Punjab. The Registrar of the High Court at Madras gave the information that in the Madras Presidency there is a rule that a list of the cases to be heard in each week should be put on the notice-board at the end of the last preceding week but one; but there is reason to suppose that that rule has long fallen into disuse. I am directed by the Chief Justice to say that in his experience of the Madras Presidency he does not remember ever to have seen a weekly cause-list in any Court in the mofussil of the Madras Presidency. It is clear that in a very large part of the British India no such weekly cause-lists are found necessary The Judges have no doubt that the Government will agree with them that useless office work should be abolished in Courts as in other offices and that it is undesirable to maintain a rule which has fallen into disuse and which, if enforced, would

create work without advantage. They therefore propose that Civil Rule of Practice No.10 should be cancelled.

4. But, though weekly cause-lists are not necessary, it is proper and convenient that in every Court a daily cause-list should be put up showing the order in which the cases for each day will be taken up. If that is not done, a party who has acted with due diligence and is quite ready for his case, not knowing in what part of the day his case is to come on, may be taken by surprise unjustly during a temporary absence from the Court-house. And pleaders who have no information at what part of the day their cases are to be taken up may have to waste hours in useless attendance. No Court can conduct its work in a really businesslike way unless it observes a previously specified order in taking up cases on each day and that order is made known to those concerned by a list on the notice-board. Strangely enough the present rules, though prescribing a practically useless weekly cause-list, make no provision for the very necessary daily cause-lists, though in practice most Courts have to use some sort of daily cause-list. The Judges therefore propose that, while the weekly cause-lists now prescribed should be abolished, a rule should be made prescribing a simple daily cause-list which is to be prepared and put up in a regular manner in every Court.

5. I am to request that the Government may be pleased to sanction the proposed rule and form shown in the appendix to this letter.

I have the honour to be,

Sir,

Your most obedient servant,

T. Ramarayan

REGISTRAR.

Nell

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Civil Side.

Rule of Practice No.

Dated ~~1st~~ March 1937.

In every District Court, Subordinate Judge's Court and Munsiff's Court a daily cause-list shall be posted on the notice-board of the Court not later than 2 P.M. on each Court day in the form appended showing the work to be done on the next Court day. Cases for judgment, if any, will be entered first in the list and thereafter applications, suits or appeals in the order in which they will be taken up. Work remaining over on the day on which the cause-list is put up and adjourned to the following day can be added to the list at 5 P.M. with a note in the remarks column to show at what place in the list it will be taken.

2. In Courts in which more than one Judge is working a cause-list will be put up for each Judge.

3. No weekly cause-list need be prepared in future.

4. Civil Rule of Practice No.10, dated 13th September 1878, is hereby cancelled.

Cause list :
Form No.110 :
Civil. :

List of cases for hearing or for delivery of judgment on

In the Court of

Number of suit, application or appeal.	Name of Plaintiff, Petitioner or Appellant.	Advocate for Plaintiff, Petitioner or Appellant.	Name of Defendant or Respondent.	Advocate for Defendant or Respondent.	Remarks.

Signature of Head Munshi or Sheristedar.

To

The Judges of all Civil Courts.

REGISTRAR.

pn's.

G. R. S. App. F VI—G 2]

SUBJECT .....

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Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue 16-3-1937.

Signed by Sr. A.S.R

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section Ho

File No. 170-36

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

G.O. No P 1488 | Cts 81-26-4 dt 14-9-1927 directing the Commissioner to submit lists of Civil Courts

2) Letter No Roc 1055/36-37 dt 1-3-37 from the Registrar High Court ~~Order thereon.—No.~~ stating that the preparation of a Cause list each Week of Cases to be heard in a Court in the following Week, if done according to the present rule, entails a Very considerable Amount of useless labour

that is unnecessary, that the information to be given in the lists is not required in the form of a weekly list either of the parties concerned or their pleaders and that the Judges of the High Court propose to abolish Civil Rule of Practice No 10 relating to the weekly Cause-lists and to make an rule prescribing a fortnightly sitting cause-list which is to be prepared and put up in a regular manner in every Court. And requesting sanction to the ~~abolition~~ abolition of Civil Rule of practice No 10 referred to above and to the proposed rule and form embodied in the appended Statements.

List of Enclosure

Copied by

order P 5510/Secl. Dt 16.3.37

Examined by

Sanctioned

9/3

Chief Secretary to Govt

WD (3602—GPB—22,500—12-7-35

To

the Registrar High Court

8.3

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

R e a d:-

Government Order No.P.1488/Cts 81-26-4 dated 14th September 1927 recording the correspondence regarding the Cause-lists of Civil Courts.

2. Letter No.Roc 1055/36-37 dated 1st March 1937 from the Registrar,High Court stating that the preparation of a Cause-list each week of cases to be heard in a Court in the following week, if done according to the present rule,entails a very considerable amount of useless labour and is unnecessary, that the information to be given in the lists is not required in the form of a Weekly list either by the parties concerned or their pleaders and that the Judges of the High Court propose to abolish Civil Rule of practice No.10 relating to the Weekly Cause-lists and to make a rule prescribing a simple daily cause-list which is to be prepared and put up in a regular manner in every Court and requesting sanction to the abolition of Civil Rule of Practice No.10 referred to above and to the proposed rule and form embodied in the appended statement.

****

O R D E R No. P 5510 Cs-170-36-2

Dated Bangalore the 13th March 1937.

S a n c t i o n e d.

For Chief Secretary to Government

To

The Registrar, High Court of Mysore.

c.n.2

c.r.2

The Registrar, All M Court of ...ao.

to

For Chief Secretary to Govern...

Dated Bangalore the 10th June 1937.

S a n c t i o n e d.

****

R D E R S.

The subjoined statement.

referred to above and to the proposed rule and form enclosed in ing sanction to the abolition of Civil Writs of Attachment pared and put up in a regular manner in every Court and Registrario prescribing a simple daily Cause list which is to be pre- practice 10.10 relating to the Monthly Cause-lists and the the Judges of the High Court proposed to abolish that writ of list either by the parties concerned or their pleaders and that to be given in the lists is not required in the form of a ... amount of wages then paid is necessary, that the writ's action if done according to the present rule,entails a very consid... ...ch book of cause to be used in a Court in the for... Registrar,Hi gh Court stating that the phraseology of a ... 2. Letter No.Mos Ins.5/36-37 dated 1st March 1937 from the Civil Courts.

1937 regarding the correspondence relative ; the Cause lists of Government order No.1 1936/Ins 37-38-4 dated 14th September

R e a d:-

...E OF ...

~~IN THE HIGH COURT OF MYSORE AT BANGALORE.~~

CIVIL SIDE.

Rule of Practice No.

Dated March 1937.

In every District Court, Subordinate Judge's Court and Munsiff's Court a daily cause list shall be posted on the Notice-Board of the Court not later than 2 P.M. on each Court day in the form appended showing the work to be done on the next Court day. Cases for judgment, if any, will be entered first in the list and thereafter applications, suits or appeals in the order in which they will be taken up. Work remaining over on the day on which the cause-list is put up and adjourned to the following day can be added to the list at 5 P.M. with a note in the remarks column to show at what place in the list it will be taken.

2. In Courts in which more than one Judge is working a cause-list will be put up for each Judge.

3. No weekly cause list need be prepared in future.

4. Civil Rule of Practice No.10, dated 13th September 1878, is hereby cancelled.

Cause list Form No.110
C i v i l.

List of cases for hearing or for delivery of judgment on

In the Court of

Number of suit, application or appeal.	Name of Plaintiff, Petitioner or Appellant.	Advocate for Plaintiff, Petitioner or Appellant.	Name of Defendant or Respondent.	Advocate for Defendant or Respondent.	Remarks.

Signature of Head Munshi
or Sheristedar.

~~The~~

~~The Judges of all Civil Courts.~~

For Chief Secretary to Government.